

BURSOR & FISHER, P.A.

L. Timothy Fisher (State Bar No. 191626)
Yeremey O. Krivoshey (State Bar No. 295032)
Blair E. Reed (State Bar No. 316791)
1990 North California Blvd., Suite 940
Walnut Creek, CA 94596
Telephone: (925) 300-4455
Facsimile: (925) 407-2700
E-Mail: ltfisher@bursor.com
ykrivoshey@bursor.com
breed@bursor.com

BURSOR & FISHER, P.A.

Scott A. Bursor (State Bar No. 276006)
888 Seventh Avenue
New York, NY 10019
Telephone: (212) 989-9113
Facsimile: (212) 989-9163
E-Mail: scott@bursor.com

Attorneys for Plaintiff

ELLIS LAW GROUP LLP

Mark E. Ellis - 127159
Anthony P. J. Valenti - 284542
Lawrence K. Iglesias - 303700
1425 River Park Drive, Suite 400
Sacramento, CA 95815
Tel: (916) 283-8820
Fax: (916) 283-8821
mellis@ellislawgrp.com
avalenti@ellislawgrp.com
liglesias@ellislawgrp.com

Attorneys for Defendant

RASH CURTIS & ASSOCIATES

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SANDRA MCMILLION, JESSICA
ADEKOYA, and IGNACIO PEREZ, on Behalf
of Themselves and all Others Similarly Situated,

Plaintiffs,

v.

RASH CURTIS & ASSOCIATES,

Defendant.

Case No. 4:16-cv-03396-YGR

**THE PARTIES' PROPOSED VERDICT
FORMS**

Date: April 12, 2019
Time: 9:00 a.m.
Courtroom 1, 4th Floor

Hon. Yvonne Gonzalez Rogers

Plaintiff's Proposed Verdict Form

We, the jury in the above-entitled action, find as follows:

On Class Members' claims under the Telephone Consumer Protection Act:

1. Did Rash Curtis make calls with its Global Connect dialer to Class Members' cellular telephone numbers during the class period without their prior express consent?

Yes

No

If you answered "no" to Question No. 1, skip to Question No. 4. If you answered "yes" to Question No. 1, answer Question Nos. 2 and 3.

2. State the number of calls Rash Curtis made with its Global Connect dialer to Class Members' cellular telephone numbers during the class period without their prior express consent:

3. How many of the calls in your answer to Question No. 2 were made using an artificial or prerecorded voice?

4. Did Rash Curtis make calls with its VIC dialer to Class Members' cellular telephone numbers during the class period without their prior express consent?

Yes

No

If you answered "no" to Question No. 4, skip to Question No. 7. If you answered "yes" to Question No. 4, answer Question Nos. 5 and 6.

5. State the number of calls Rash Curtis made with its VIC dialer to Class Members' cellular telephone numbers during the class period without their prior express consent:

6. How many of the calls in your answer to Question No. 5 were made using an artificial or prerecorded voice?

7. Did Rash Curtis make calls with its TCN dialer to Class Members' cellular telephone numbers during the class period without their prior express consent?

Yes

No

If you answered "no" to Question No. 7, skip to Question No. 9. If you answered "yes" to Question No. 7, answer Question No. 8.

8. State the number of calls Rash Curtis made with its TCN dialer to Class Members' cellular telephone numbers during the class period without their prior express consent:

9. Did Rash Curtis call Plaintiff Ignacio Perez on his cellular telephone during the class period with the Global Connect dialer?

Yes

No

If you answered "no" to Question No. 9, skip Question Nos. 10 and 11. If you answered "yes" to Question No. 9, answer Question Nos. 10 and 11.

On Plaintiff Perez's individual claims under the Telephone Consumer Protection Act:

10. How many times did Rash Curtis call Plaintiff Ignacio Perez on his cellular telephone during the class period with the Global Connect dialer?

1 11. How many of the calls in your answer to Question No. 10 were made using an artificial
2 or prerecorded voice?
3

4 _____
5

6 Date: _____

7 Presiding Juror
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Defendant's Proposed Verdict Form

Pursuant to the Court's Local Rules and Standing Orders, Defendant Rash Curtis & Associates hereby submits the following verdict form:

We, the jury in the above-entitled action, find as follows:

As to the Plaintiff's Individual TCPA Claim:

1. Did Defendant place calls to Plaintiff using an "automatic telephone dialing system?"

Yes No

If you answered "yes" to Question No. 1, answer Question No. 2. If you answered "no" to Question No. 2, skip to Question No. 3.

2. How many calls did Defendant place to Plaintiff's cellular telephone using an "automatic telephone dialing system?"

3. Did Defendant place calls to Plaintiff using a prerecorded or artificial voice?

Yes No

If you answered "yes" to Question No. 3, answer Question No. 4. If you answered "no" to Question No. 3, skip to Question No. 5.

4. How many calls did Defendant place to Plaintiff's cellular telephone using a prerecorded or artificial voice?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. Did Defendant possess Plaintiff’s prior express consent to call Plaintiff’s cellular telephone?

_____ _____
Yes No

If you answered “no” to Question No. 5, answer Question No. 6. If you answered “yes” to Question No. 5, skip to Question No. 10.

6. Did Defendant have a good faith belief that Plaintiff provided his prior express consent to be called on his cellular telephone?

_____ _____
Yes No

7. Did Defendant reasonably rely on the telephone number provided by its creditor-client, Sutter General Hospital, such that its calls fell within the “safe harbor” defense?

_____ _____
Yes No

8. Did Plaintiff suffer any actual monetary loss as a result of Defendant’s conduct?

_____ _____
Yes No

1 **If you answered “yes” to Question No. 8, answer Question No. 9. If you answered “no”**
2 **to Question No. 8, skip to Question No. 10.**

3
4 9. What was Plaintiff’s actual monetary loss as a result of Defendant’s conduct?

5
6 \$ _____
7

8 **As to the Class Members’ TCPA Claims:**

9 10. Did Plaintiff establish that Defendant used an “automatic telephone dialing system”
10 to place telephone calls to cellular telephone numbers obtained through skip-tracing?

11
12 _____ _____
13 Yes No

14 **If you answered “yes” to Question No. 10, answer Question No. 11. If you answered**
15 **“no” to Question No. 10, skip to Question No. 12.**

16
17 11. How many calls did Defendant place to the Class Members’ skip-traced cellular
18 telephones using an “automatic telephone dialing system?”

19
20
21 _____

22 12. Did Plaintiff establish that Defendant used a prerecorded or artificial voice during
23 telephone calls placed to Class Members’ cellular telephone numbers obtained through skip-tracing?

24
25
26 _____ _____
27 Yes No

1 **If you answered “yes” to Question No. 12, answer Question No. 13. If you answered**
2 **“no” to Question No. 12, skip to Question No. 14.**

3
4 14. How many calls did Defendant place to the Class Members’ skip-traced cellular
5 telephones using a prerecorded or artificial voice?

6
7 _____

8
9 15. Did the Class Members suffer any actual monetary loss as a result of Defendant’s
10 conduct?

11
12 _____

Yes

No

13
14 **If you answered “yes” to Question No. 15, answer Question No. 16. If you answered**
15 **“no” to Question No. 15, have the presiding juror sign this Verdict Form and return it to the**
16 **clerk.**

17
18 16. What was the Class Members’ actual monetary loss as a result of Defendant’s
19 conduct?

20
21 \$ _____

22
23 **Once you have completed this Verdict Form, have the presiding juror sign it and return it to**
24 **the clerk.**

25 Dated: _____

26
27 _____

Presiding Juror

1 Dated: March 4, 2019

Respectfully submitted,

2 **BURSOR & FISHER, P.A.**

3 By: /s/ Yeremey Krivoshey
4 Yeremey Krivoshey

5 L. Timothy Fisher (State Bar No. 191626)
6 Yeremey Krivoshey (State Bar No.295032)
7 1990 North California Blvd., Suite 940
8 Walnut Creek, CA 94596
9 Telephone: (925) 300-4455
10 Email: ltfisher@bursor.com
11 ykrivoshey@bursor.com

12 **BURSOR & FISHER, P.A.**

13 Scott A. Bursor (State Bar No. 276006)
14 888 Seventh Avenue
15 New York, NY 10019
16 Telephone: (212) 989-9113
17 Facsimile: (212) 989-9163
18 E-Mail: scott@bursor.com

19 *Attorneys for Plaintiff*

20 Dated: March 4, 2019

21 **ELLIS LAW GROUP LLP**

22 By: /s/ Mark E. Ellis
23 Mark E. Ellis

24 Mark E. Ellis (State Bar No. 127159)
25 Anthony P.J. Valenti (State Bar No. 288164)
26 Lawrence K. Iglesias (State Bar No. 303700)
27 1425 River Park Drive, Suite 400
28 Sacramento, CA 95815
Tel: (916) 283-8820
Fax: (916) 283-8821
mellis@ellislawgrp.com
avalenti@ellislawgrp.com
liglesias@ellislawgrp.com

Attorneys for Defendant